

CORRECTED FISCAL NOTE

SB 3458 - HB 3284

March 24, 2008

SUMMARY OF BILL: Establishes guidelines for the appointment of attorneys ad litem and guardians ad litem and sets their authority in divorce and annulment cases. Requires the court to make a finding that the appointment of such is necessary in order to make a determination for the parenting and best interests of the child. Requires payment of fees and costs for the attorneys and guardians ad litem be assessed by the court as costs and borne by the parties, unless the parties are indigent and then such cost shall be borne by the state.

ESTIMATED FISCAL IMPACT:

On February 4, 2008, we issued a fiscal note on this bill indicating *an increase in state revenue exceeding \$4,000,000 to the Indigent Defense Fund and an increase in state expenditures exceeding \$4,000,000 to the Indigent Defense Fund*. Based on further analysis, the fiscal impact of the bill is as follows:

(CORRECTED)

Increase State Expenditures –

Exceeds \$4,000,000 / Indigent Defense Fund

Assumptions:

- Any impact to the state and local courts will not be significant. Any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Currently, the fees and costs associated with the appointment of a guardian ad litem for an indigent person are waived. The bill will require these fees and costs for indigent persons be borne by the state through the Indigent Defense Fund effective September 1, 2008.
- In FY 2007, there were approximately 19,400 divorce and annulment cases in the state court system. The Administrative Office of the Courts estimates that approximately one-half, or 9,700, of these cases would require the appointment of an attorney ad litem or a guardian ad litem.

- One-half, or 4,850, of these appointments were for indigent people. It is estimated that the fees and costs for the appointments would be at least \$1,000 which will result in an estimated increase in expenditures of the Indigent Defense Fund of \$4,850,000.
- The Indigent Defense Fund is 100% state funded through appropriations.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly distinguishable.

James W. White, Executive Director

/kml